



NEWS RELEASE
*Office of the
United States Attorney
for the
District of Nebraska*
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December 10, 2009

United States Attorney Deborah R. Gilg and the Lincoln Police Department and Lancaster County Sheriff's Office announce the following information for the attention of the media:

Event Triggering this Release:

On December 10, 2009, a Tennessee man was sentenced to ten years and one month (121 months) in federal prison for conspiracy to distribute crack cocaine and powder cocaine in the Lincoln area. Information provided to law enforcement indicated that Jushan Malone was responsible for the distribution of between approximately 1 ¾ ounces and 5 ½ ounces of crack and less than ¾ ounce of powder cocaine over a four-month time period.

During March of 2009, Malone sold crack cocaine to an undercover Lincoln Police Officer on one occasion; arranged for another person to deliver crack to the officer on four occasions; and arranged a delivery of powder cocaine on one occasion. On March 25, 2009, after the last of these sales, a search warrant was executed at the Lincoln residence where Malone was staying, and he was found to be in possession of slightly more than ¼ ounce of crack cocaine, slightly less than ¼ ounce of powder cocaine, and \$1080 in cash, including \$260 of Lincoln Police Department buy money. Malone was ordered to forfeit \$820 found in his possession at the time of the search and was further ordered to pay \$840 in restitution to the Lincoln Police Department for money used to make undercover purchases. Following the prison term, Malone will serve five years on supervised release. He was also ordered to pay a \$100 special assessment.

Name of Defendant: Jushan Farnold Malone

AKA: D-Bo

Age: 41

City of residence: Cordova, Tennessee

Crime(s) Charged and Potential Penalty (A CHARGE is merely an accusation and every defendant is presumed innocent until and unless proven guilty): Count I: Conspiracy to distribute and possess with

the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846. Count VIII: Forfeiture of \$820.00 used or intended to be used to facilitate the conspiracy or which represented proceeds of that conspiracy pursuant to Title 21, United States Code, Section 853. The possible penalty for Count I is not less than 10 years nor more than life imprisonment and a fine of up to \$4,000,000. Following any term of imprisonment, there would be a term of supervised release of not less than five years. There is also a \$100 special assessment. The possible penalty for Count VIII is forfeiture of \$820.00 to the United States. (Counts II through VII were dismissed pursuant to the plea agreement.)

Specific Location of Alleged Crime: Lincoln

Location of Arrest: Lincoln

Alleged Dollar Loss/Type and Quantity of Drug: Malone was held responsible for at least 50 grams (approximately 1 ¾ ounces) but less than 150 grams (approximately 5 ½ ounces) of crack cocaine and less than 20 grams (approximately ¾ ounce) of powder cocaine.

Others Charged in Same Scheme: none

Relevant Dates:

Date of Alleged Crime: Count I: Between on or about December 1, 2008, and on or about March 25, 2009; Count VIII: March 25, 2009

Federal Arrest Date: July 24, 2009

Date Complaint Issued:

Indictment Returned Date: July 22, 2009

Initial Appearance Date: July 28, 2009

Plea or Trial and Date(s): Pled guilty on September 18, 2009

Sentencing Date: December 10, 2009

Next Court Hearing Type and Date: none

Assigned Magistrate Judge:

Held without Bond, or Released from Custody: held without bond

In Continuous Custody Since: March 25, 2009

Assigned District Court Judge: The Honorable Richard G. Kopf

Initials of Assigned AUSA/Preparer of THIS Release: SEF